

## REMARKS

It is noted that the original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. As of this time, the original patent has not been located. If the original patent is located, it will be duly submitted to the Patent Office.

It is noted that the preliminary amendment filed on April 10, 2002 with the application has been considered but was not entered because it did not comply with 37 CFR 1.173. It is believed that the present amendment now complies with 37 CFR 1.173.

Claims 1-16 stand rejected under 35 USC 251 as the amendment to the application introduces new matter to the application. Specifically, the Examiner contends that the amendment to the specification in the first full paragraph of column 4, line 6, and specifically at lines 7-8 of that paragraph introduces new matter. In particular, the Examiner contends that the change from "leading to three diverter valves" to -- leading to at least two diverter valves -- introduces new matter because the phrase "at least two" is open ended.

The text of the specification, as originally filed, erroneously stated that any of the ports leads to a chamber and channels leading to three diverter valves, when clearly, as illustrated in Figure 3A, some of the ports lead to two diverter valves. The present amendment appropriately corrects this error without adding new matter. In particular, the present amendment changes "leading to three diverter valves" to -- leading to up to three diverter valves -- . It is respectfully submitted that this amendment is fully supported by the specification, as originally filed, and

does not add new matter. More precisely, support for this amendment can be found, for example, in Figure 3A of the originally filed specification. As can be seen, fluid entering port 52 encounters a chamber 62 and channels leading to two diverter valves 70 and 72, and fluid entering port 50 encounters a chamber 60 and channels leading to three diverter valves 70, 76, and 78. Thus, the present amendment does not introduce new matter into the application.

The specification in column 1, line 63 has also been amended by replacing the erroneous recitation of “valve 12a” with -- valve 12b -- . Support for this amendment can be found in FIG. 1C which shows fluid (depicted by the bolded arrow) entering the valve assembly 10 through valve 16a and exiting the valve assembly 10 through valve 12b. Hence, no new matter is believed entered by this amendment.

The specification in column 3, line 21 has been also been amended by replacing the erroneous recitation of “A-A” with -- 3B-3B --. Support for this amendment can be found in FIG. 3A which shows only the section line 3B-3B. Hence, no new matter is believed entered by this amendment.

The specification in column 4, line 30 has also been amended by replacing the erroneous recitation of “A-A” with -- 3B-3B --. Support for this amendment can be found in FIG. 3A which shows only the section line 3B-3B. Hence, no new matter is believed entered by this amendment.

Claims 9 and 11 have also been amended to correct typographical/spelling errors. In particular, the term “exists” recited in claims 9 and 11 has been replaced with the term

-- exits -- . Support for this amendment can be found in column 4, lines 19-59. Hence, no new matter is believed entered by this amendment.

Claim 14 has been amended to correct indefiniteness in the recitation of "between third and said second chamber." In particular, the definite article "said" was inadvertently omitted between the terms "between" and "third" in this recitation. Since the "third chamber" element is positively recited for the first time in claim 1, from which claim 14 indirectly depends, the definite article "said" should have been recited between the terms "between" and "third" in claim 14 to refer back to the "third chamber." No new matter is believed entered by this amendment.

The Examiner contends that the oath submitted with the application is improper because it alleges "error" on the basis of a desire to add new matter to the application. The Applicant does not believe that the current oath is improper. The oath merely states that the specification, as originally filed, erroneously recites "Fluid entering any of the ports encounters a chamber and channels leading to three diverter valves." And this error is properly corrected by this amendment.

Favorable reconsideration of this application is respectfully requested as it is believed that all outstanding issues have been addressed herein and, further, that claims 1-16 are in condition for allowance, early notification of which is earnestly solicited. Should there be any questions or matters whose resolution may be advanced by a telephone call, the examiner is cordially invited to contact the undersigned attorney at his number listed below.

No fee is believed to be required for this communication. The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17, which are associated with this communication, or credit any overpayment to Deposit Account No. 50-2061.

Respectfully submitted,

By: 

Paul A. Schwarz  
Attorney for Applicant  
PTO Reg. No. 37,577

Duane Morris LLP  
100 College Road West, Suite 100  
Princeton, NJ 08540  
(609) 919-4408  
(609) 919-4401 - facsimile